

SECOND AMENDED APPLICATION

NO. 72424

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office MAR 29 2005

Returned to applicant for correction APR 15 2005

Corrected application filed JUN 09 2005

Map filed JUN 14 2005

The applicant **Gilbert J. Cavillo and Victoria Mason** hereby makes application for permission to change the **Point of Diversion and Place of Use of a portion** of water heretofore appropriated under **Claim or Right No. 388 of the Truckee River Decree, said Decree entered by the District Court of the United States for Nevada in that certain action entitled, "The United States of America, Plaintiff vs. Orr Water Ditch Company, et al., Defendants", in Equity Docket A-3.**

1. The source of water is **Truckee River**
2. The amount of water to be changed **1.16 afa and a pro-rata share of the diversion rate**
3. The water to be used for **As decreed**
4. The water heretofore permitted for **As decreed**
5. The water is to be diverted at the following point **NE ¼ of the SW ¼ of Section 31, T 19N., R 18E, MDB&M, or at a Point from which the Southwest corner of Section 32, T 19N, R 18E, MDB&M bears South 62° 04' East, a disatnce of 3,195.00 feet. Steamboat Ditch per Orr Ditch Decree.**
6. The existing permitted point of diversion is located within **NW ¼ of the SW ¼ of Section 10, T 19N, R 19E, MDB&M, or at a point from which the Northwest corner of Section 14, T 19N, R 19E, MDB&M bears South 61° 02' East a distance of 2,595 Feet. English Mill Ditch per Orr Ditch Decree.**
7. Proposed place of use **in the SE¼ of the SE¼ of Section 16, T 19N, R 18E, MDB&M. Also referred as APN 038-132-32, shown on map filed in support of this application.**
8. Existing place of use **APN 008-091-29 for 0.14 acres. APN 008-092-30 for 0.15 acres. Both APN's situated in the SE ¼ of the NE ¼ of Section 1, T 19N, R 19E, MDB&M. Both APN's are shown on TR-091 on file in the office of The Division of Water Resources, State of Nevada.**
9. Use will be from **As Decreed** to **As Decreed** of each year.
10. Use was permitted from **As Deceed** to **As Decreed** of each year.
11. Description of proposed works **Irrigation purposes..**
12. Estimated cost of works **Completed**
13. Estimated time required to construct works **Completed**
14. Estimated time required to complete the application of water to beneficial use **Ten (10) years**

15. Remarks:

By s/ **W. R. Roggenbuhl**
Truckee Meadows Water Research of Nevada, L.L.C., Agent
1479 S. Wells Ave. Suite #6
Reno, NV 89502-2959

Compared mt/gkl lt/gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of the Truckee River as heretofore granted under Claim 388 Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is limited to the irrigation of 0.29 acres within the described place of use and not to exceed an annual duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources. The period of use is as decreed.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.006 cubic feet per second, **but not to exceed 1.16 acre-feet as decreed.**

Work must be prosecuted with reasonable diligence and be completed on or before:

August 24, 2007

Proof of completion of work shall be filed on or before:

September 24, 2007

Water must be placed to beneficial use on or before:

August 24, 2011

Proof of the application of water to beneficial use shall be filed on or before:

September 24, 2011

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 24th day of August, A.D. 2006

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____

~~CANCELLED DEC 03 2007 BECAUSE OF
FAILURE OF APPLICANT TO COMPLY WITH THE
PROVISIONS OF PERMIT
Tracy Taylor, P.E. STATE ENGINEER
Can. Rescinded 9-26-2008~~